



# 16 NOA  
4/1/03  
AMW

PTO/SB/31 (02-01)

**NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND  
INTERFERENCES**

Docket Number  
2102397-911600

In re Application of  
Chern

Application Number  
09/916,618

Filed  
7/26/01

For  
Semiconductor Memory Array of Floating Gate Memory  
Cells With Vertical Control Gate Sidewalls And Insulation  
Spacers (as amended)

Group Art Unit  
2814

Examiner  
Weiss, Howard

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 320.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ \_\_\_\_\_

☐ A check in the amount of \$ 320.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No 07-1896. A duplicate copy of this sheet is enclosed.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

☒ Customer Number or Bar Code Label



26379

PATENT TRADEMARK OFFICE

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: March 10, 2003

By: Alan A. Limbach

Alan A. Limbach  
Reg. No. 39,749  
Attorneys for Applicant(s)  
Gray Cary Ware & Freidenrich LLP  
1755 Embarcadero Road,  
Palo Alto, CA 94303-3340

03/18/2003 AWOMDAF1 00000085 09916618

01 FC:1401 320.00 DP

*I hereby certify that this correspondence is being deposited with the United States Postal with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231.*

March 10, 2003  
Date

Kathleen Harty  
Signature

RECEIVED  
MAR 19 2003  
TC 2800 MAIL ROOM



PTO/SB/31 (02-01)

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PATENT TRADEMARK OFFICE  
Respectfully submitted,

GRAY CARY WARE &amp; FREIDENRICH LLP

Dated: March 10, 2003

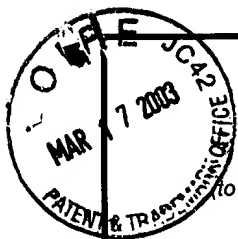
By:

Alan A. Limbach  
Reg. No. 39,749  
Attorneys for Applicant(s)  
Gray Cary Ware & Freidenrich LLP  
1755 Embarcadero Road,  
Palo Alto, CA 94303-3340

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March 10, 2003  
Date  
SignatureRECEIVED  
MAR 19 2003  
TC 2800 MAIL ROOM

PTO/SB/21 (08-00)



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		<b>Application Number</b>	09/916,618
		<b>Filing Date</b>	July 26, 2001
		<b>First Named Inventor</b>	Chern
		<b>Group Art Unit</b>	2814
		<b>Examiner Name</b>	Weiss
<b>Total Number of Pages in This Submission</b>	6	<b>Attorney Docket Number</b>	2102397-911600

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached: check in the amount of \$320.00 <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice (in triplicate), Brief, Oral Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return postcard
Remarks: _____		

☒ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)



26379

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GRAY CARY WARE &amp; FREIDENRICH LLP

Dated: March 10, 2003

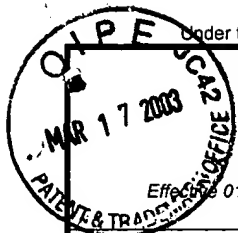
By:

 Alan A. Limbach  
 Reg. No. 39,749  
 Attorneys for Applicant(s)  
 Gray Cary Ware & Freidenrich LLP  
 1755 Embarcadero Road, Palo Alto, CA 94303-3340  
 Telephone No. 650-833-2433

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231 on this date: March 10, 2003

<b>Typed or printed name</b>	Kathleen LaBrie	<b>Date</b>	March 10, 2003
<b>Signature</b>	<i>Kathleen LaBrie</i>		



# **FEE TRANSMITTAL for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** 320.00

**Complete if Known**

Application Number	09/916,618
Filing Date	July 26, 2001
First Named Inventor	Chern
Examiner Name	Weiss
Art Unit	2814
Attorney Docket No.	2102397-911600

**METHOD OF PAYMENT (check all that apply)**
☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

 Deposit  
Account  
Number  
  
Deposit  
Account  
Name

07-1896

Gray Cary Ware &amp; Freidenrich LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge (fees) indicated below. ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for filing fee  
to the above-identified deposit account.

**FEE CALCULATION**
**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent	20**	X					
Multiple Dependent	3**	X					

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2) (\$)** 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**
**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	320.00
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 320.00

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Alan A. Limbach	Registration No. (Attorney/Agent)	39,749	Telephone	650-833-2433
Signature		Date	March 10, 2003		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Gray Cary\EM7136312.1